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The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

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## DIGEST

Gautreaux (SB 85)

Present law provides for general expropriation authority. Under existing general expropriation authority, the property owner can demand a jury trial to determine the value of the property expropriated. Expropriating authority is only entitled to the property after the amount fixed by the final judgment is deposited in the registry of the court.

Proposed law retains present law and authorizes the governing authority of St. Mary Parish to expropriate by a declaration of taking property needed for a street, parish road or highway, drainage, flood protection, utility, or sewerage project. Requires approval of two-thirds of the elected membership of the parish council.

Proposed law provides that: (1) the parish administration must give 15 days notice to the property owner before filing a petition for expropriation; (2) the parish administration must file a petition which includes an itemized statement of the full extent of the owner's loss; (3) requires the court to issue an order directing the district to deposit the amount of the estimate in the registry of the court; (4) title to the property vests in the governing authority upon final court order; (5) petition shall be served on the defendant as provided by law and any defendant desiring to contest the validity of the taking on the ground that the property was not expropriated for a public use may file a motion to dismiss the suit within ten days from the date the petition was served on him. He shall certify thereon that a copy thereof has been served personally or by mail on either the plaintiff or his attorney of record in the suit. This motion shall be tried contradictorily with preference to the judge alone and shall be decided prior to the court's declaring the property has been taken for public purposes (6) property owner may apply for a trial to determine the measure of compensation to which he is entitled by filing an answer within one year from the date of notice of expropriation.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 19:361 through 368)

### Summary of Amendments Adopted by Senate

#### Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill.

1. Added provision for service of petition on defendant and motion to dismiss on ground that property not expropriated for a public use.

Senate Floor Amendments to reengrossed bill.

1. Legislative Bureau technical amendments.